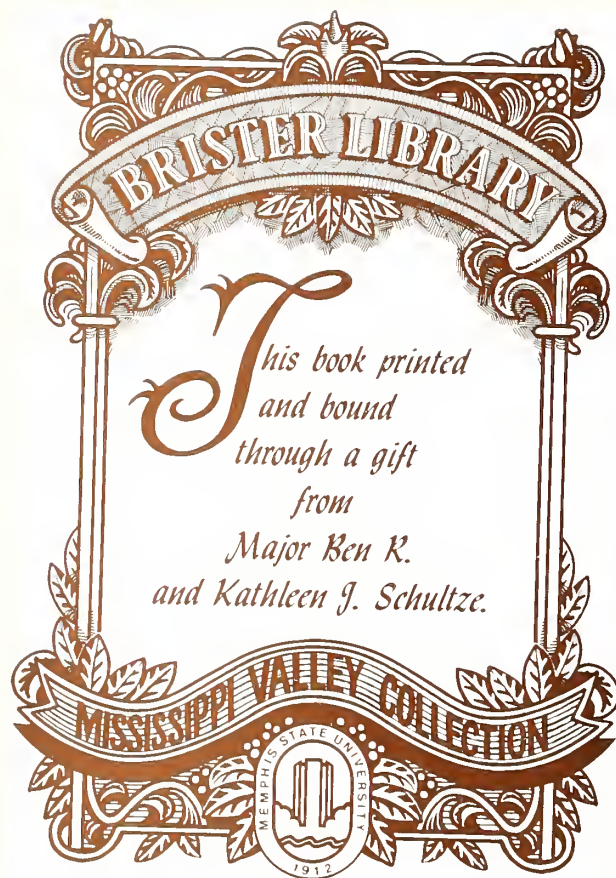


AN ORAL HISTORY OF THE WINFIELD DUNN ADMINISTRATION
INTERVIEWS WITH
HARVEY McDONALD

BY - CHARLES W. CRAWFORD
TRANSCRIBER - BETTY WILLIAMS
ORAL HISTORY RESEARCH OFFICE
MEMPHIS STATE UNIVERSITY



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AN ORAL HISTORY OF THE WINFIELD DUNN ADMINISTRATION

INTERVIEWS WITH HARVEY MCDONALD

AUGUST 6, 1976

BY CHARLES W. CRAWFORD

TRANSCRIBED - BETTY WILLIAMS

ORAL HISTORY RESEARCH OFFICE

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PLACE Nashville, Tennessee

DATE August 6, 1976

Walter W. McDonald
(Interviewee)

Charles W. Crawford
(For the Mississippi Valley Archives
of the John Willard Brister Library
of Memphis State University)

Z INTERVIEWS.

THIS IS THE ORAL HISTORY RESEARCH OFFICE OF MEMPHIS STATE UNIVERSITY. THIS PROJECT IS THE "WINFIELD DUNN CAMPAIGN AND ADMINISTRATION." THE DATE IS AUGUST 6, 1976. THE PLACE IS NASHVILLE, TENNESSEE. THE INTERVIEW IS WITH MR. HARVEY W. McDONALD, JR. THE INTERVIEW IS BY DR. CHARLES CRAWFORD, DIRECTOR OF THE MEMPHIS STATE UNIVERSITY ORAL HISTORY RESEARCH OFFICE. THE TRANSCRIBER IS BETTY WILLIAMS. INTERVIEW # 1.

DR. CRAWFORD: Mr. McDonald, I suggest we start with a basic biography of you and then let's get on with your first contact with Winfield Dunn and your activities in sequence generally from there on.

MR. McDONALD: I was born and raised in and around Lawrenceburg, Tennessee which is in lower southern Middle Tennessee just above the Alabama border. I was educated in the public schools in Lawrence County and from that point I went to my undergraduate training at Middle Tennessee State University, graduating in 1969. I went to Law School at Vanderbilt University and graduated with my JD degree in law in 1972.

My first contact with Winfield Dunn was in the summer of 1970 when he was in Nashville on a brief whirlwind tour on his way to East Tennessee and a small group of people were gathered at a social gathering. I went out of curiosity more than anything else. I did not know Winfield Dunn of Memphis, Tennessee. My family background was centered primarily in Democratic politics. Probably my grandmother and I were the only two

Republican oriented people in the whole family. I had always been interested in politics.

Always [I] had been a student of government primarily. I majored in political science in college and done quite a bit of state internship work. I was fortunate to receive a federal government internship in Washington. So I got a great exposure to all levels of governmental activity. And I was intrigued by the way personalities' impact shape policy.

I was intrigued initially by the personality of Winfield Dunn. I was curious to find out what kind of really impression I would get if I met him face to face. I must say when I did meet him face to face the personality and charisma were even much more intense and more great than I had even imagined. Many people, I think, who meet him shared the same thing I did. I suspect that most people did really.

So at that point I really didn't align myself with anyone in particular because I didn't know anyone in terms of what they really stood for at that point.

DR. CRAWFORD: Let's see when was it that you first came in contact with him?

MR. McDONALD: Let's see it was the summer of 1970; I was trying to think of. . . .

DR. CRAWFORD: Do you remember if it was before or after the primary?

MR. McDONALD: It was before the primary---I suspect three to

four weeks or maybe a little bit longer than that prior to the primary.

DR. CRAWFORD: In July probably?

MR. McDONALD: Yes. I can't recall exactly where this meeting was. It's not really important, but some of the people that I associated with--of course at that time I was in Vanderbilt's Law School--some of my law school classmates and some of my neighbors and some of the people that I had come to know in Nashville, were talking about Winfield Dunn. I guess the real reason why I swung my total allegiance to the governor was that I liked him after I met him once. Normally it takes me a little while to warm up to people like that. I could tell that he definitely had the quality. Judging from the field that I was choosing from, I felt like I would definitely support him in anything that he chose to do. So needless to say, I was swayed by his personality.

DR. CRAWFORD: Can you tell me a little more about that?

You weren't accustomed to being swayed by personalities so quickly? Can you isolate any of the factors there?

MR. McDONALD: Yes, I think I probably could. One, he was a fresh face which is important to me in that I had been accustomed to dealing with political repeaters as I would call them-- the Frank Clements, the Buford Ellingtons, or many people in the state legislature--for example, who had been in a few terms, out a few terms and then in a few terms again. As I say, my relationships prior to this

time were primarily in Democratic circles. Of course, in Middle Tennessee there was a lot of swapping back and forth in the governorships, the legislative races and state senate races and congressional races. And you knew most of the political faces.

However, you knew some of the new faces, but this was a totally new face. This was a (I hate to use the term) dark horse, but this really was a dark horse from Memphis. That was one thing--the freshness of his appearance on the scene. Two, the fact that he was a professional man but not a lawyer. That intrigued me because I had been accustomed to thinking of politicians as lawyers and people concerned with legal matters. It was strange to think of another professional person like a doctor or a dentist to become intimately involved in running for public office.

DR. CRAWFORD: Were you thinking then of going to law school?

MR. McDONALD: Yes, as a matter of fact, I had always known that I was going to go to law school. That was something I always wanted to do. And as every young person does, I had a lot of aspirations, many of which were political. I think that probably during this period of time I was in an impressionable age. I looked to people to cast myself as to how I might operate or how I might project--were I to be in that particular circumstance at that appropriate time. So, I saw in Winfield Dunn, I thought--I would hate to say that I was star struck--but you know I have always been a fan of Mickey Mantle's, and if I could emulate Mickey Mantle in baseball or if I could emulate

Winfield Dunn in politics, then I felt like I could go a long way.

DR. CRAWFORD: You certainly learn more from a person who was really good in something than from someone who is ordinary.

MR. McDONALD: Yes, that's true. The other thing, I guess, that stuck out most was that he exuded a very sincere approach. He had very good eye to eye contact; he had a very strong presentation of himself. He's a man of great stature and imposing stature but yet it was not a group type of appeal. It was a very warm approach that one received from him and that, I guess, was the great thing that I felt.

DR. CRAWFORD: Did you get to talk with him the first time or did you hear him speak? What was the. . . .

MR. McDONALD: I heard him speak just very briefly. There was not a structured thing, general conversation, why he wanted to be governor and what he thought he could do. [He was] seeking support, and of course, the support in Middle Tennessee was weak. It really had not been solidified to any degree at all.

DR. CRAWFORD: On the basis of your opportunity later to hear him in all sorts of circumstances, do you think he did best with small groups of people, such as that? Did he express himself best?

MR. McDONALD: Publicly, I really couldn't say. I have seen him in situations where he has been tremendous

in large audiences. His inauguration, I thought, was tremendous, I really did. There have been certain instances in prayer or I have seen him address the General Assembly presenting his program, I thought, he was tremendously effective in all of his program speeches before the General Assembly. But I have also seen him to be equally effective in small groups that were both party oriented in terms of the Republican Party and also in speaking to certain groups like the DAR, or American Legion Post 58 or what have you. I have seen him do relatively poor jobs in both instances. You know, it's hard to be great all the time. It's nice to know people are human. I really couldn't differentiate between how effective he would be in large as opposed to small groups.

DR. CRAWFORD: It's very difficult for people to have consistent performance in anything I suppose. When did you decide at that point that you would like to work in his campaign or administration?

MR. McDONALD: Well, I decided, I'd say with two days after I met him, that I would support him. I discussed it with some of the people in my law school class and I discussed it with my wife. My wife is not a politically active person although she was certainly interested in the outcome. So I decided to do what I could in the campaign. And the state campaign had offices in this building, the Parkway Towers Building, so I came down, walked in the door and introduced myself to a few people that were here. I remember one of the people that was in the room at the time was Barry Vickery. Barry and I subse-

quently worked together on the governor's policy planning staff which was his legislative and bill drafting, and speech writing bureau.

I thought I was qualified to do a number of things, so I mentioned that I would like to be doing speech work and writing position papers, doing general research in issues and whatever else needed to be done. I didn't volunteer for any precinct work or anything because I had never really been involved in a campaign of this size and complexity. So I really didn't know what I'd tell them that I could do. They said fine, great, come in and we'll start. And we just started. We got in and the guy said, "What area do you want?"

So I said, "I'll take mental health and corrections and insurance and banking." We just started listing the whole thing. It turned out that all of us ended up working in many of the areas.

So we set about to write position papers. I had always been a big follower of the Council of State Government publications on various programs in various states. Through my interest in government and politics, I had known about some programs in some states that had some popular appeal and some work ability. Now I had always thought this might be good for Tennessee.

We discussed some of the issue ideas and put some of the ideas down on paper and discussed it with some of the senior campaign staff because I considered myself as a resource person. They asked me for ideas and I would give them ideas or I'll give them anything they wanted. So, that gratified me to a certain degree because I knew that they had used

a lot of my material in some of the campaign speeches. Barry and I worked together for a good while in developing the meat of a lot of the short radio spots. When he would come on he would say, "I'm in favor of increasing the community mental health capability in the state of Tennessee," or he would come on and say, "I'm in favor of regional prisons," or something like that. These radio spots were carried quite frequently and resulted primarily from the work that we did here in Nashville.

I guess it was really from Memphis too, and it was fun to see something that you suggested be put into the final product. I didn't go traveling with the campaign because I was in law school at the time and the demands on my time were fairly great. That's why I opted for a very flexible schedule of contribution. Sometimes, I wouldn't do anything and sometimes I would come in and do everything that I could do.

DR. CRAWFORD: Who was in charge of the office when you started?

MR. McDONALD: Well, I guess David--I want to say David Jones--his name slips my mind at the moment. I'll remember in a few minutes. He was in charge of the office and there were two, I guess, three people in the office that were full-time salaried people to work out of the office. I was not salaried, but came in as a volunteer type. We bounced the ideas off of the salaried types and then they would tell us what to do and we would go in some room and then write it down.

It was a fairly loosely knit organization because Dave and the other

fellows would be traveling the state. They would come and check in and we'd leave messages and what have you. For that reason I never was associated in Davidson County with any Davidson County group that was specifically promoting Winfield Dunn in Davidson County. I was working more with the state organization, and at that time the state organization was fairly loosely organized.

Before we knew it, the primary was over and then we started thinking what to do then. That was really when the organization got going. I really started out doing a lot, but ended up not doing that much because, after I had made what I thought my contribution would be, it was getting on toward the fall of my law school and I had to devote more energy to my law school studies. I did what I could just in no structured format and just weighted it out, I guess.

DR. CRAWFORD: What change did you notice after primary in the campaign? I know there is always a re-adjustment before getting into the general.

MR. McDONALD: There was a very conscious effort among Republicans as a group to consolidate and to center their energies on Winfield Dunn, because no Republican that I had ever encountered had anything bad to say about Winfield Dunn. They just said they didn't know Winfield Dunn, that he was unproven and untested. But after the primary--I'd say within a month--the same people who said that were probably more vociferous and more positive about Winfield Dunn to more people than I was. So that was the basic change. What happened,

the governor became stronger in terms of presenting himself because he knew he had a lot of support and he thrived on that type of support. A lot of young people around him were very energetic with a lot of ideas and I really think that he was able to draw on their energies. And somehow infuse that into his own system and at the same time diffuse it to other people. It was kind of a give and take. It was every day he would get it and then he would give it back. I know from talking with people who traveled with him that it was that way almost everyday from six until midnight. That was the thing of course. I followed it from a distance, so to speak. I talked to people that traveled with him or at some infrequent stops I might get to say something to one of his direct aides. I really didn't know that many of them.

Of course, reading about it and what he said in the newspaper and hearing them on the radio and television, I really think he changed quite a bit. He became much more confident and I really felt like he knew all the time that he was going to win.

DR. CRAWFORD: Why do you think he became more confident?

MR. McDONALD: I think it stemmed primarily from the fact that he knew he had a mandate from a lot of people who had a lot of faith in him. The news media was intrigued by him too because he was a relatively newcomer even though he had been involved in politics before and his father had been involved in politics.

He had no record that they could really shoot down or characterize in any fashion to arouse the sensations of the public. So they really had to

follow him on a day to day basis. The reporters that followed him liked him. They were hardpressed to write anything out of the ordinary about him and they would pick up on certain things that he might say. But the press and the media didn't frown on him. I think he was definitely a good commodity for the media. He was a fresh face and that's what at that point we needed.

That gave him confidence because nobody was telling him that he was a bad guy or no one was telling him that he wasn't qualified for the office. People questioned that, "What is your qualification for governor since you are a dentist?" But he had developed a very strong statement on that and probably repeated that statement until he was sick of it. But every time he did it it became more convincing and even more convincing to him.

Those two things really contributed to the amount of moral support--I guess, if you will--that he received from his followers and his supporters and the fact that he was not dogged by the press.

DR. CRAWFORD: Whereas the press gave his opponent a little difficulty in the last [weeks].

MR. McDONALD: That's true. His opponent was certainly much more of a press worthy character than he was at the time. But at the time the press was mostly negative. I think that was the two things to me that really gave him confidence.

DR. CRAWFORD: That seems reasonable. Now during the fall you had to go back to your work in law school? Did you have any part in the transition or did you do anything active at that time?

MR. McDONALD:

I really had very little part in the transition. My wife worked in the transition. She had been a legal secretary for a local law firm here in Nashville. And Lamar Alexander, the governor's campaign manager, had taken over the duties of the transition in coordinating the transition. He had called her in to do a lot of the book work that had to be done to try to undertake this enormous task.

I did a little bit of work because I had worked in the state government before. I had some knowledge of the workings of state government as really very few of the Dunn's supporters had. Because as you know, most of the state employees, around the Hill especially, were all Democrats. The people in the secretary of state's office, the people in the comptroller's office had never worked with Republicans.

They had heard these things that Democrats say about Republicans just like Republicans say about Democrats. They had never worked with any of them. They didn't know what to expect. Therefore, they were much more reserved than I think they would have been had a Democrat been elected. So there was very little communication that was developed because of the apprehension they had of the unknown. A lot of the state employees feared patronage retaliation and these kinds of things.

So it was a very subdued atmosphere of separateness. There was the transition office on the top floor of the State Office Building and people would funnel information to it, but it was very difficult for Lamar to coordinate the transition because of the fact that the people

maintained a standoffish attitude.

Although they were very cooperative, there was just an air of less than acceptable air, so to speak. I was amazed really at how the transition came about. The transition, I think, was largely affected because some Democrats and some professional people of government had enough interest in the proper transition from one governor to the next and the former governor had an appreciation of that fact.

DR. CRAWFORD: Governor Ellington did cooperate?

MR. McDONALD: Yes, he did. He instructed his people, but because he didn't have to instruct some of his people because some of his people liked Winfield Dunn anyway and disliked John J. Hooker. I really would say a relatively small group of people in the Ellington administration was largely responsible for what I would, in looking back on it, think was a very successful transition. Most of the people involved continued to work in the Dunn administration. Of course, I'm sure many people have told you this, but the Dunn administration in my opinion, was and did not cater to patronage--sometimes to a fault.

All in all, I think that was certainly one of the hallmarks of his administration--the fact that he looked at people as people first and not as label bearers.

DR. CRAWFORD: I believe you would be familiar with that from your work with recommending appointments.

MR. McDONALDS: That's true. At the outset when the Governor was inaugurated, as I say, most of his assis-

tants had very little experience in the "ins and outs" and daily workings of state government. He was faced with a very practical problem of developing his legislative program. He had to take somehow the things that he had said and transpose these things into viable pieces of legislation that he had proposed to a Democratic General Assembly.

DR. CRAWFORD: Had that been done any before when he was going over the platform for the campaign?

MR. McDONALD: His platform was very concise and very clear, but its really adopting the subject matter of the platform and converting that platform into workable pieces of legislation is something else.

There have been a number of bills drafted, for example, but, in so far as I can determine, probably everything that was drafted in the transition and immediately following the transition had to be redrafted and resubmitted because nobody really knew how to do it.

So, that was when I came on the scene; I was the governor's first law clerk. Dale Young, from Maryville, had occupied a staff assistant's position at that point. I had met Dale in the campaign; I don't remember when, but we had become social buddies, so to speak. Dale wanted to have law clerks in the governor's office to do day to day research on problems that some people might be having with state services.

Because the demands on the governor's office range from alpha to omega, it is amazing how many things people are asked to deal with if they are in a position like that. There was no way they could handle all the things which were really taking too much time for the Governor to personally

handle and really for any of his assistants to handle. So they had to have more manpower and law clerks seemed to be the answer.

I was hired and immediately afterwards [they] hired two more. So that made three of us and then they hired two more and that made five and eventually worked up to about six or seven that worked in the various offices within the governor's office itself.

DR. CRAWFORD: Where did you recruit these law clerks?

MR. McDONALD: All the law clerks were from Vanderbilt Law School. They were all classmates of mine looking for work, looking for summer jobs, and there was no recruiting campaign really as such. They asked me to talk with people who might be interested. And that is what I did. I went out to talk to anybody that might be interested in working and put a little notice up on the bulletin board. Dale interviewed all of the law clerks and then they were hired.

So we answered phones and had no desks. We just went from desk to desk. When one was out, we would occupy that desk or sit in a chair or we would go up in the legislative lounge and occupy a table up there. We would return phone calls of all the staff assistants. We would do problem research; we would do legal research, but we didn't get into bill drafting to any degree--but to some degree and not to any great degree--because the Governor didn't have that much of a legislative program initially.

That went on for a few months and the law clerks came and went, so to speak, and a few stayed around and one of the people that stayed around--one of the law clerks that stayed around--was Bob Kabel who subsequently became another staff assistant to the Governor. I was one, too.

DR. CRAWFORD: I talked to Bob Kabel in Washington a couple months ago.

MR. McDONALD: Did you? When I graduated, the law clerkship lasted until I graduated in June of '72, in June of '72, they offered me a job in the Governor's Policy Planning staff. At that time the Policy Planning staff was kind of a break off of half of the people that used to work in Governor Ellington's office of Urban and Federal Affairs. The Urban and Federal Affairs Office was a office that was created primarily to handle state and federal relations and grant reviews. One of the more valued employees over there was one of the most capable employees in state government has ever had, Leonard Bradley, the chief of that office. So the Policy Planning staff came into existence.

Barry Vickery, the old speech writer and campaign worker, was there and some holdovers from Ellington's office of Urban and Federal Affairs and some of the members of the State Planning Office were also there. So I went over there to the Policy Planning staff. Bob Kabel went to another segment of the Office of Urban Affairs.

We worked in developing all of his pieces of legislation. We were assigned specific areas. My specific area was no-fault insurance, insurance matters, and banking matters in related financial areas, and initially corrections. While I was a law clerk, I drafted a bill to implement one of the Governor's primary platforms and that was the establishment of the full-time Pardon and Parole Board.

Tennessee in the past had not had a full-time Pardon and Parole Board and the appointments were of concerned citizens across the state who really

had neither the time nor the energy to devote to a worthwhile effort in correctional reform, especially in light of evaluating individuals for executive clemency or for parole.

So one of the Governor's first statements on corrections was the establishment of a full-time Pardon and Parole Board. That was really the first piece of legislation that I actually drafted. It was subsequently passed into law in substantially the same form that we initially proposed it. All of the people in the Policy Planning Staff had an area. One had mental health, and one had health and education; one had safety; one had transportation, etc, etc. All of us acted as resource people to each other in terms of speech writing and adoption of policy.

Because the Governor had many many speech requests, obviously, he could not prepare himself for these types of things and we would do background research on Lincoln Day dinners and speeches before any special groups.

So we set about to draft our legislation and to follow all pieces of legislation in the General Assembly to keep up with it from the executive branch's standpoint. Any piece of legislation that was introduced in the General Assembly might have an effect on Department of Mental Health. For example, it was gone over as to it's bugetary impact, and to any impact on programs that it might have. That was our responsibility--The Policy Planning Staff.

DR. CRAWFORD:

Then on that basis he decided whether to support or oppose the bill?

MR. McDONALD: Right. He would adopt a certain position on pieces of legislation according to what we advised him. And also we worked in amendments trying to clarify pieces of legislation and also worked with our own administration bills to make sure that they were passed. We worked with the committees and we worked with individual legislators trying to clear up their questions on anything that they might have on the no-fault automobile insurance program. Which, by the way, I think I characterized as the only significant piece of legislation that the Governor was totally committed to which failed to become law.

DR. CRAWFORD: In doing research for that, where did you get the information?

MR. McDONALD: The information was gleaned from every state in the union. This was a project that lasted --just in the drafting stages--over a year and a half. It was a tremendous undertaking, because of the complexity involved in any insurance mechanism. We had to compare the different types of laws--insurance laws--in the various states. And of course, there are three or four different types of "no-fault" insurance plans. There was a Massachusetts type plan; there was a Delaware type plan; there was a Florida type plan; Puerto Rico type plan; then there was a Tennessee type plan. There were so many different types of no-fault laws that we had to evaluate each and every one of those to find out what the good points were and relate those to the accident experience and the geographic features of the state, for example. That

was a big factor that we had to look at in terms of rating. We had to go into insurance rating to risk management to learning what parts of an automobile insurance to arrive at what we thought was a good package for "no-fault" insurance.

So after spending about a year and a half doing this, we came up with a plan that really was a highbred plan that incorporated a lot good aspects of the Massachusetts's plan and good aspects of the Delaware plan, and a lot of the good aspects of the Florida plan that we thought would be tailored to the state of Tennessee and to people who drive in the state of Tennessee.

The Governor was very much enthused about it although he didn't understand all the complexities of the insuring type mechanism. He was totally committed to this because it was a consumer oriented type of program. He wanted to have a consumer program. He was like that in a lot of things. He liked to promote what people would--normally would--think of as "Democratic type programs". There would be a lot of things that Republicans didn't like. The news media again here supported him very vigorously in his stance on "no-fault" insurance. He was vigorously opposed by trial lawyers in the state.

Certainly, I think many of the bitter battles that were fought in his administration were fought over "no-fault" insurance and the common collateral reactions of other people to his "no-fault" insurance. That was another of my areas of concern. I guess my basic area of concern.

Then towards the third year of his administration there was a certain

degree of turnover in personnel. Some people would be leaving to go to other states and return to law practice or for whatever reason they left. I was asked to become staff assistant in charge of appointments for boards and commissions and appointments to the judiciary.

DR. CRAWFORD: Was that in 1973?

MR. McDONALD: That was in 1974. April of '74. So this was when Mr. Ralph Mollett had come in from California, out of retirement, to advise the Governor on political and other matters. He had occupied that position for some time and he had had some health problems and decided to return to California. When he left, they asked me to come over and assume his duties because really it was so late in the administration that it would not have been plausible or wise in the Governor's opinion to bring in an outsider to try to deal in what many people thought was a politically sensitive area. So they asked me to it and I was thrilled to do it.

DR. CRAWFORD: How did you handle that?

MR. McDONALD: The Governor had the authority to appoint members to over a hundred and fifty state boards and commissions. He also had the authority under the code to appoint judges to fill vacant terms or whatever reason to make certain special appointments. Historically, the practice had been largely a political patronage type practice. If someone was a Democrat and a Democrat was the governor, then one would normally expect the Democratic

governor to appoint a Democrat to fill this particular position on the state board of barber examiners, for example. I really had no conception of what the specifics of the job were when I went, but after I got there I found it really an operation. There was still a great degree of that political type of affiliating influence. But there was also to a very large degree of investigation into the capabilities of the people involved and what contributions they had made in the past to this particular area that they were interested in.

In that, the governor gave, in my eyes, equal consideration to the affiliation and label of the person and their capabilities and interests. So I was encouraged by this because I felt the same way.

DR. CRAWFORD: That agreed with your philosophy then?

MR. McDONALD: Yeah, right. I had never been a pure "pol"

because I had worked with people who I had admired greatly who were Democrats, and I had worked with people who I admired who were Republicans. Really, that was the feeling of a lot of people that worked for Winfield Dunn. A few of the people in his administration were thrust into pure political matters which was the nature of their job. Joe Hopper's job, for example, was a very political type job. My job was political to an extent because we obviously did political checks on these people, because if we knew that John Q. Public was about to be nominated to this particular board or commission and he was a campaign manager for the opposition, well certainly, we would need to know that.

DR. CRAWFORD: So you checked back through with the county committees, I suppose?

MR. McDONALD: We did a lot of checking with the committees, and the political checking was done primarily through the offices of Joe Hopper, the administrative assistant to the Governor. We received reports from our committees on Democrats that were favorable and a lot of times we would receive unfavorable reports on Republicans. This again lent more to the feeling that there was not a high and concentrated degree of partisanship.

DR. CRAWFORD: When you went in, did anyone have a complete list of all boards and commissions and terms of service? It seems to me that that would be. . . .

MR. McDONALD: That was one of my first jobs, in fact when I was a law clerk. I failed to mention this when I was a law clerk. One of my first jobs was to actually combine the list of all state boards and commissions into some readable format. The previous administration, it appeared, had used 3" by 5" index cards in one little box and had made the appointments and vacancies and what have you, listed in pen and pencil on these 3" by 5" cards. It was extremely difficult to even find out what the membership was on these by looking at these cards. We decided to do something different.

I worked with two other of the law clerks to actually go through all the state boards and commissions and to try to get these state boards and commissions on a roster that would show the name, the address, the term of

service, any specific statutory requirement that must be followed by the governor in the appointments.

We made up a fact sheet that was filled out on each person that was appointed to a board or commission and I really let that thing fall to someone else when I went over to the Policy and Planning staff, but we had established the basic framework for a computer system. That's one of the first things that I did was work on the computer system to go ahead and implement that. Fortunately, they were able to finish the computer system. We had all the state boards and commissions and all the members and their terms and any specific code requirements for their service or for the governor to follow in appointing them recorded right there on the computer sheet. So all we had to do to look up anyone or the membership on any board or commission was to go to our master computer sheet.

Fortunately, we had a lot of good help who kept up the computer sheets and we made great use of those computer sheets. [We] changed them every three months, but we kept current changes every day. Finally, we had a complete list of the boards and commissions and also the judicial vacancies and judicial posts.

DR. CRAWFORD: Did any boards or commissions give you any special problems in maintaining membership?

MR. McDONALD: There were some commissions that are much more attractive to people than others. The State Conservation Commission, for example, was a very important commission for the people to be appointed to. A lot of people wanted to be appointed

to State Conservation Commission and the State Board of Education was obviously an important board. I would say that there were fifteen or twenty boards that were highly sought after like the Board of Barber Examiners, for example. It was an extremely sought after board to be on. A lot of the regulatory boards were like that for obvious reasons. A lot of the "do nothing" boards were also very important too for people to get on because a lot of people who supported the governor thought that in return for their support that he would, of course, appoint them to this certain board. You got a lot of calls and a lot of tempers flared many times because we had fourteen people trying to get one position on one board. We would normally have some requirement to appoint them from the Western Grand Division and all the people that were applying were from the Eastern Grand Division. So we had to be very careful in terms of not only dealing with people, but also making sure that we were following the requirements in the statutes.

In that effort the computer system sheet paid for itself many times over. I never knew how much the computer system actually cost, but it was probably the best thing that that particular segment of the governor's office ever did to keep up with board and commission appointments. I frankly don't know whether that computer sheet still exists in the present administration or not, but I heard that it did not. I don't know what they do now.

DR. CRAWFORD:

It would be my assumption that it doesn't.

Did it make you wonder how the previous

administration had ever gotten along with their box of cards?

MR. McDONALD: Yeah, it was amazing to think that they had done that, but I think they had done it because the power was concentrated in a very few hands and if you knew who to talk with at what time you could be appointed to the board. They didn't disseminate information about vancancies on boards. Now that was the way if you were a friend of a friend of the governor's or a friend of Annabelle Clement O'Brien or somebody who had a tremendous amount of influence in the Democratic circles, they would tell you that there was going to be a vacancy in the Agriculture Commission and it is going to be coming up in June of this year and if you put your name in at the time we'll put you on it. So there had not been to my way of thinking or in any of the experiences that I had in looking back through that any great competition for a lot of the offices, boards and commissions with some significant exceptions-- the State Board of Education, for example.

DR. CRAWFORD: Who access to the computer sheet?

MR. McDONALD: They were really available to anybody. We had printed three or four computer print-outs on the same thing of the list. The Governor had one; I had one, and I believe Lee Smith had one, and Joe Harper had one. But all the staff members, any legislator any citizen could come in and look at our computer sheet. We had one that--actually I had two in my office--we used one and we had one that was available for anybody to look at. Anybody that wanted to come in and look and see when the appointments were coming due on the

specific board or commission all they had to do was come to my office and open the computer log up and there it would be. Many times they did this, especially during the legislature. As you might imagine, the legislators had a lot of favors to pay back in their own respective races and they would frequent my office and look through the catalogs, so to speak, and bring people in to see me and try to get appointments with the governor to promote their particular constituent for this board or that board.

And the Governor was very receptive to all of this because he always maintained a very strict policy of courtesy to any elective official regardless of their affiliation. But there were a few occasions where citizens groups would come in and say, "We'd like to have a meeting with the governor, because this particular person has done a great job in water pollution area and we feel like he would made a definite contribution to the Stream Pollution Control Board. Then we would see those people too.

DR. CRAWFORD:

What about the regulatory boards, did you have much influence of strong interest outside?

MR. McDONALD:

Yes, we did because many times in the regulatory boards there was a specific statutory requirement that the particular professional association recommend people and recommend a list of people to the governor, and the governor would choose from that list of recommended people.

The Governor adopted a policy to certainly consider recommendations from professional groups even in the absence of specific statutory requirement because he felt like they would know and he respected their judgment.

The same thing he did with his appointments to the judiciary. He made an agreement with the Tennessee Bar Association right after he was elected that he would send his proposed nominees and applicants for various judicial positions to a committee of the Tennessee Bar Association and this committee would evaluate the qualifications of these individuals and would actually rate them and would recommend an acceptable list and also have an unacceptable list.

That was another area where we had to be on our p's and q's in dealing with people. We did not share that information with anybody. That was a very working paper type arrangement where these things were kept secret. Because obviously, members of the press would love to get a hold of that. But that arrangement worked well. The Governor never appointed anyone whom the bar association felt was unqualified.

DR. CRAWFORD: But I suppose he would not necessarily take their number one candidate?

MR. McDONALD: That's true. They would rarely rank them although they did on occasion. They normally would say this is an acceptable list, but sometimes we didn't run into a ranking type of arrangement. There was never anything in the agreement about rankings so we normally disregarded that.

DR. CRAWFORD: Did you ever feel there were too many boards and commissions in the state government?

MR. McDONALD: Well, I had felt that all along. We had introduced legislation that would actually

remove--oh I would say--probably thirty-five to forty of the inactive ones. When we got the computer sheet together we went through and tried to make a list the best we could of how many boards and commissions that were totally inactive. And then we introduced legislation and take these things from the statute books. Most of these things had been there since a long time. Appointments that hadn't been made for ten years and things like this.

A hundred and fifty state boards and commissions, as I think back, really is not that bad in thinking of the diverse interests that our four million and some odd people have because they are made up of interest oriented things, culture oriented things, geographically oriented things. As long as the boards and commissions are manageable, I think they serve a very useful purpose because they provide: an outlet for concerned people to do something that they think will benefit other people other than themselves. Certainly, in terms of the regulatory boards they are a necessity for screening people who are going to be entering a profession and do maintain some standards of quality in a profession.

I really only had a few boards and commissions that I thought should have been abolished. Still those boards and Commissions have done good things in the past and probably had outlived their real mandate.

DR. CRAWFORD: Well, it is much easier to start something in government, apparently, than it is to put an end to it.

MR. McDONALD: That's true. A good example of that is the Great Smoky Mountain National Park.

That particular commission--we did not form--but we maintained its viability because of the many people who were interested in the Great Smoky Mountain National Park because of the fact that there were plans in the past to build roads over the mountains connecting certain cities. The battle lines were fairly well-drawn by some people on one side of the mountain as opposed to some the people on the other side of the mountain. Most people would think that this is an innocuous board, but yet it had a very important purpose because it did provide a forum for people who favored a trans-mountain road and for people who did not favor a trans-mountain road to air their views and make some basic decisions on it.

Of course, the Governor, himself, had adopted a policy in regard to that particular thing. Many times the governor obviously would appoint people to a board or commission with whom he shared common policy stance on any one particular issue. For example, he certainly would appoint people to the State Board of Education who were in favor of the kindergarten program. He diligently studied and very carefully interviewed prospective appointments--appointees--on their views.

DR. CRAWFORD: Not to all boards?

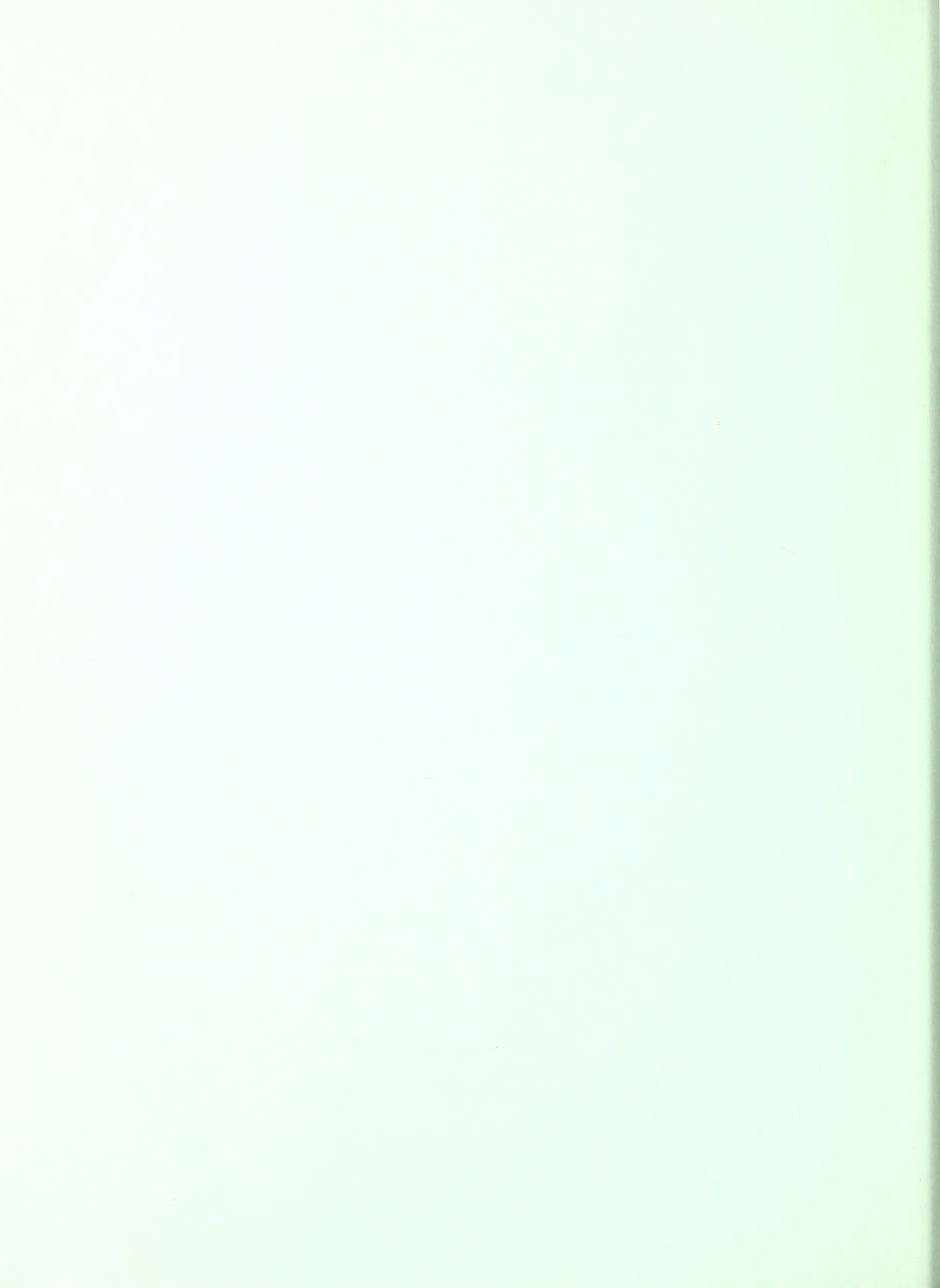
MR. McDONALD: No, not to all boards. Just to those that he really thought were important to him.

Many times he would leave the. . . . In every case he would approve the appointment and actually made the appointment, but in many cases he would rely on the local committees and would rely on me or any other member of the staff who had made a recommendation after judging the qualifications

and relative merits and demerits of the nominees. Sometimes we slipped up and sometimes we were all right.

DR. CRAWFORD: Well, it would be incredible that a governor could keep up with all the personnel for that many different committees. He would simply have to rely on competent advice.

MR. McDONALD: Yes sir. We had certainly been working with at least 2,000 people in the in's and out's of the boards and commissions. Most of these 2,000 people [Turn the tape to side II.]



THIS IS THE ORAL HISTORY RESEARCH OFFICE OF MEMPHIS STATE UNIVERSITY. THIS PROJECT IS THE "WINFIELD DUNN CAMPAIGN AND ADMINISTRATION." THE DATE IS AUGUST 6, 1976. THE PLACE IS NASHVILLE, TENNESSEE. THE INTERVIEW IS WITH MR. HARVEY W. McDONALD, JR. THE INTERVIEW IS BY DR. CHARLES W. CRAWFORD, DIRECTOR OF THE MEMPHIS STATE UNIVERSITY ORAL HISTORY RESEARCH OFFICE. THE TRANSCRIBER IS BETTY WILLIAMS. INTERVIEW #2.

DR. CRAWFORD: All right Mr. McDonald, if you will continue with the information about your service in the Winfield Dunn administration.

MR. McDONALD: During the time while serving as a law clerk for the governor, he established a program whereby every prisoner in every institution in the state of Tennessee would have the opportunity to receive executive clemency consideration. As you know, the constitution grants the governor the power and the authority to give executive clemency which is an extraordinary remedy that the governor has under the constitution.

From a historical standpoint, this remedy had been exercised in a very inconsistent fashion. It appeared to those of us who had studied the executive clemency and pardons and paroles that previous administrations in Tennessee had exercised clemency in ways that would reflect clemency to be influenced and to be granted. I guess I would say, under the influence of political pressures or such things as Christmas time. I know it was the practice of one governor to release

a number of prisoners or give a number of prisoners clemency during Christmas time. It was the policy of one governor to give executive clemency or favorable consideration in parole to people, prisoners, who worked at the executive residence that people called the governor's mansion.

Governor Dunn, at the very outset, sought to establish a consistent and a just policy. That was that everybody be given an opportunity for a preliminary interview with one of the governor's assistants to outline why he thought he deserved any consideration for executive clemency. Of course, as a matter of policy, it was difficult for us to see three to four thousand people in any period of time or for any one or two people to do that. So two of the staff assistants and two or three of the law clerks were garnered into action here and it became known throughout the prison population in the state. At that time the Brushy Mountain Prison was still in operation; the Fort Pillow workhouse was in operation and the main prisons here were the three main prison areas we visited. We would visit these particular institutions and stay all day long and interview people who had written in to the governor requesting an executive clemency interview.

We had an unlimited amount of time to spend with each prisoner. Most of them felt that they just deserved some special consideration for a variety of reasons ranging from health reasons, to family reasons, to financial reasons, to reasons that they didn't think they were guilty in the first place. We would take the information from

the prisoner and record that information in summary fashion and make a report to the governor. The governor would review these and then he would decide to talk with this one or not talk with this one and to actually allow these people to proceed further in the executive clemency process.

That was a screen process initially. Once the prisoner got beyond this screen process they were given a formal hearing before the Board of Pardons and Paroles which by this time had come into being as a full-time board.

The Board would do work-ups on their individual case histories---their prison records---and certainly would give a great amount of weight to that. The Governor reposed a great deal of trust in the people he appointed to the full-time board since he appointed all the members initially and relied upon them to give him recommendations as to whether or not any particular prisoner should receive executive clemency consideration.

I feel the governor perceived this duty as one of the most important things that he did, not only in terms of exercising his constitutional prerogative to be a compassionate person to someone who had obviously wronged society but also to balance his feelings of compassion against his feelings of responsibility as the chief law enforcement arm of the state. He took this responsibility very gravely. A good example of that was--I am sure an instance that was probably related by Bob Kabel--because Bob, at the end of the administration, was intimately involved in this work. It had been a practice I mentioned before for

governors to grant executive clemency or pardon consideration to the prisoners that had worked at the governor's mansion. This was well known within the prison population. So if you got a job at the governor's mansion that was great! You felt like you were definitely going to be out of prison before long or at least receive some favorable parole consideration.

The governor, prior to going out of office, decided that he would interview each of the prisoners that worked at the mansion individually and make his decision based on those interviews and who he would recommend for executive clemency or parole consideration. I don't know how many he recommended for parole or for executive clemency, but the number was less than five of the 12 or 13 that actually worked out there.

He told me that that was one of the hardest things that he had ever done. I've never seen him in such a perplexed, troubled state I really don't think. It was very difficult for him to do this to these men who had been there 300 and some odd days of every year, most of whom had been with him probably through the duration of his term and all of whom thought the world of the governor and I know that he felt a great deal of compassion to each one of the men. It was one of the most difficult things I know that he ever had to face and yet he faced it. He made his decision based on what he thought was the right thing to do. He did this in many of his actions. He was criticized for many of his actions. For example, the medical school controversy and the regional prison in Morristown.



But specifically in the executive clemency area he evaluated each and every file of the prisoner that was recommended for executive clemency. I used to look at some of the files and of course, the files would some of them have pictures of the homicide victim. It would have a lot of things that would be very emotional in nature. But the governor would look at those things and really try to convince himself that this particular individual was worthy of extraordinary consideration, which is what executive clemency was.

Really that particular thing showed more of the man Winfield Dunn than many of the other public things than any other decision that he had to make. He took that job which previous other governors had delegated and which previous governors had really not emphasized--in which the present governor, I know, in talking with people who work for him--does not emphasize. He took that as a very definite responsibility for himself because of the constitutional provision that allowed him to do this. He was very careful not to abuse the powers that were granted to him. He never used executive clemency as a political tool. That was his first rule. Many people tried to influence him that way. To my knowledge, no person was ever given executive clemency consideration on political grounds. So that was one of the great points of his vision of his job.

DR. CRAWFORD: Do you remember the approximate prison population in Tennessee at the time?

MR. McDONALD: Do you mean the population of the state at the time?



DR. CRAWFORD: No, I'm sorry; I mean the number of prisoners?

MR. McDONALD: Oh. There were between 3500 and 4000.

Somewhere in that neighborhood. We continued our executive clemency screening program until everybody who had written a letter to the governor and had asked that he be given-- we also went to the women's prison by the way here in Nashville--and we continued the program until everybody had had the opportunity to be interviewed. Then we suspended the program. Executive clemency interviews from that point were given, but they were given on a more sporadic basis. The screening program was not carried forth from that point, other than Bob Kabel who would go out to the prison and do executive clemency. It was not done on a mass scale, I guess.

DR. CRAWFORD: Did prisoners generally know about their ability to write to the governor?

MR. McDONALD: Yes they did. The prison population was very aware how each governor operates. We would get ten or twelve letters a day from the prisoners. It would not be unusual to get at least that many.

Of course, we would get a lot of lawsuits filed by prisoners against the state and against the governor and against whomever was in authority. It was our responsibility to take care of those things. I think in that particular area--you know we think in that area of the governor's programs on corrections--we think in macro terms--the regional prison system. But he carried forth and underlined his com-



mitment in the very personal individual actions that he took between himself as governor and one man or woman as prisoner. This was certainly one of the most strongest points in his character. That was definitely a very important part of his governorship.

He took very seriously his appointments to the judiciary. He took great pride in the fact that all of his appointments to the judiciary performed well--in the vast majority performed with excellence. He appointed a number of Democrats and he appointed some Independents and he appointed some Republicans that were not necessarily loyal to him, but in all of his appointments, he took great pains to perfect the appointment in the first place. He certainly maintained a sincere interest in the way they performed as judges.

On the day that Ray Blanton was inaugurated--that Saturday--we appointed--the governor appointed his last judge.

DR. CRAWFORD: Case from Knoxville?

MR. McDONALD: Judge Joe Duncan from Knoxville now serves on the Court of Criminal Appeals. He was appointed the morning--approximately 30 minutes prior to the new governor being inaugurated. We felt like that was a great way to end the Dunn administration.

DR. CRAWFORD: Did you attempt to fill all the outstanding vacancies before the governor's term ended?

MR. McDONALD: Yes, we did. There were a few vacancies that we did not attempt to fill, but I'd say those were probably less than five. And that was because there

was really no reason to. Frankly, I don't know what the longevity of the Dunn appointees has been on the boards and commissions now.

DR. CRAWFORD: Well, if you remember, the boards and commissions go for various terms. Your computer print-outs would show us if anyone still had it.

MR. McDONALD: If they had it up to date, that would be great. A number of the commission terms would run concurrent with the governor, but the vast majority would be statutory defined periods of years.

My general reaction of my work for Governor Dunn was always thinking in terms of great esprit de corps as a very cohesive type of unit that we had--a lot of differing people and a lot of different ideas. We had young people on the staff; we had older people on the staff. But of course, most of the staff was relatively young. I think the average age was somewhere around 35, 33, or 34, somewhere in there. I was never aware that the governor made any decisions without due reflection or without some discussion among staff members.

The Governor had many friends here in Nashville, in Memphis and in other areas of the state that he relied on for advice. Staff members knew this. But I never felt that any one person had any monopoly of the Governor's commitments, time or allegiance. The Governor, I think, was very careful in his dealings with his friends and even the staff. Obviously, there were some very strong personalities on the staff. Ralph Griffith, for example, was one of the strongest personalities, I think, throughout the period of the Dunn



administration. Certainly he was a very positive influence. But it was never thought that Ralph Griffith, or Lee Smith, or Joe Hopper, or Mack McDonald would exert any influence to the exclusion of any of the other staff members because you didn't attempt to do that. Because you knew that it would not work. So that was a very gratifying experience.

DR. CRAWFORD: I would say that your decision to learn something about politics from one of the best examples of the time was certainly put into practice.

MR. McDONALD: I think it was.

DR. CRAWFORD: On the basis of your time with him and your observations of him, do you have any further thoughts about what made Winfield Dunn a success as a leader?

MR. McDONALD: I think the ingredients that he had at least contributed--I'm not sure that I would know what really made him what he was--but one of the most important ingredients that he possessed was the ability to empathize with other people. I think that stems from his upbringing; (1) His father was in politics. His father knew how to deal with people and the governor knew how to deal with people. (2) He was a professional person dealing with people, and dealing with apprehensions. When people go to the dentist, they are frightened. He just had a great experience and environment to develop his inner personal skills. But he also was exposed to a varied set of lifestyles, a varied set of classes. I think he was a very mature person in that he could really



get down and empathize with the shoe-shine boy or empathize with the bank president. It is very difficult to do that and maintain any kind of air of consistency in what you do. It is difficult for a governor to maintain an even keel if he seeks to impress people for the sake of impressing them. The Governor never tried to do that.

Always he was guided by very high ideals and he was a very moral person who sought to do what was right. I think that was the inner strength that he had, the fortitude that he had and it pervaded his whole existence as governor. Certainly, the ingredient of empathy, but it was more than that. It was a very strong personal force within him to where he was and is.

DR. CRAWFORD: Did you have the feeling that he enjoyed his work?

MR. McDONALD: Yes. Tremendously. His work nurtured him. Of course, I had seen him many times when he was exhausted, but I would see him the next day and he would be ready to go again. He lived each day to the fullest when he was governor. His schedule that he kept would boggle anyone's mind, but that was the way he wanted it. And every day would be full. He wanted to do everything he could every day.

DR. CRAWFORD: Did he use his time effectively?

MR. McDONALD: He certainly did. I'd like to compare the schedule that he kept with the schedule of the president or with the schedule of the president of General Motors or with another governor or senator. Because he scheduled--I was



aware of his scheduling because my wife was involved in the scheduling as his secretary--it was tremendous. The travel that he did always had a purpose, which I thought was important. He never did anything for Winfield Dunn. He always did what he thought he ought to do as Governor Winfield Dunn. I thought that was an important thing.

Obviously, he had time to himself and his family, but he always knew that he was the governor first. That was his total commitment.

DR. CRAWFORD: You consider then, that he had more than average energy?

MR. McDONALD: Oh definitely. No question about that. It is hard for me to recall anytime that I have seen him completely exhausted. He always had a reserve there. We would be working late trying to get--as soon as one thing would be finished something else would happen--he would always have enough to stay late and do that something else. Because he loved it. As I say it fed him. It rubbed off on a lot of people. It rubbed off on me.

DR. CRAWFORD: Do you consider it a very energetic administration?

MR. McDONALD: Yes. I think if you look at the number of pieces of legislation that were proposed during the Dunn administration and if one talks to people involved in the legislative process and the administrative process, there is no way it could be classed as anything but an energetic administration. A very progressive administration! It was not a typical administration



as Tennesseans had known administrations to be. Not a Republican administration, it was Winfield Dunn's administration--the only way you could really classify it because there were so many people that had a part--so many differing ideas--melded into this whole. It's fascinating!

DR. CRAWFORD: How continuing do you think the effect of this will be now that we are several years past the first(at any rate) Dunn administration?

MR. McDONALD: It was really hard to assess the impact of the Dunn administration initially because I think we are still feeling the effect of the Dunn administration. For example, his efforts in highways. The monies that he worked for, the energies he devoted to, the development of highways in East Tennessee which was one of his campaign promises won't reach fruition until 1978 or 1980. Just about the nature of the type of work you have to do--your planning and your acquisition and rightaway and what have you. So the tangible benefits--I think we'll see from his administration for years to come in the development of the community mental health centers, regional prisons when they come into their own, any future automobile insurance reform. His administration had an impact, but I think it has an even greater impact in years to come. But those are the tangible things. The tangible things will carry over because people will reflect on Winfield Dunn's administration and they will compare the present administration whether it be this particular one in 1976 or the one in 1980. People who live



during this time will remember that he was a popular governor, that he was a personable governor, that his decisions were based on what he thought was the proper course of action.

There were no scandals during his administration. There were no tasteless of things that people remember. There were controversies, but controversies were generated from genuine differences of opinions. Those are the intangible things that will linger in people's minds who have lived during that period of time.

DR. CRAWFORD: Your work with him was very demanding.

Have you had any cause to regret it?

MR. McDONALD: No, I think that all the people that I have talked with that worked for Governor Dunn were glad that it was demanding. Because he said a lot of times, "Hard work builds character." I think that probably I hope that is the case anyway. You really felt like the harder you worked, the more gratification you got from it. You always had in your mind--even though you were working for the governor--you knew back in the back of your mind, that you had something to do with helping millions of people. Each individual staff member while obviously knowing that the Governor was the head knew that he had something to do with something good that the Governor came out with. So that was certainly something that was cause for good feelings about your work because your work was important that you were doing things that impacted millions of people--not just a few people. And it was fun!

DR. CRAWFORD: People who supervise others rely on several

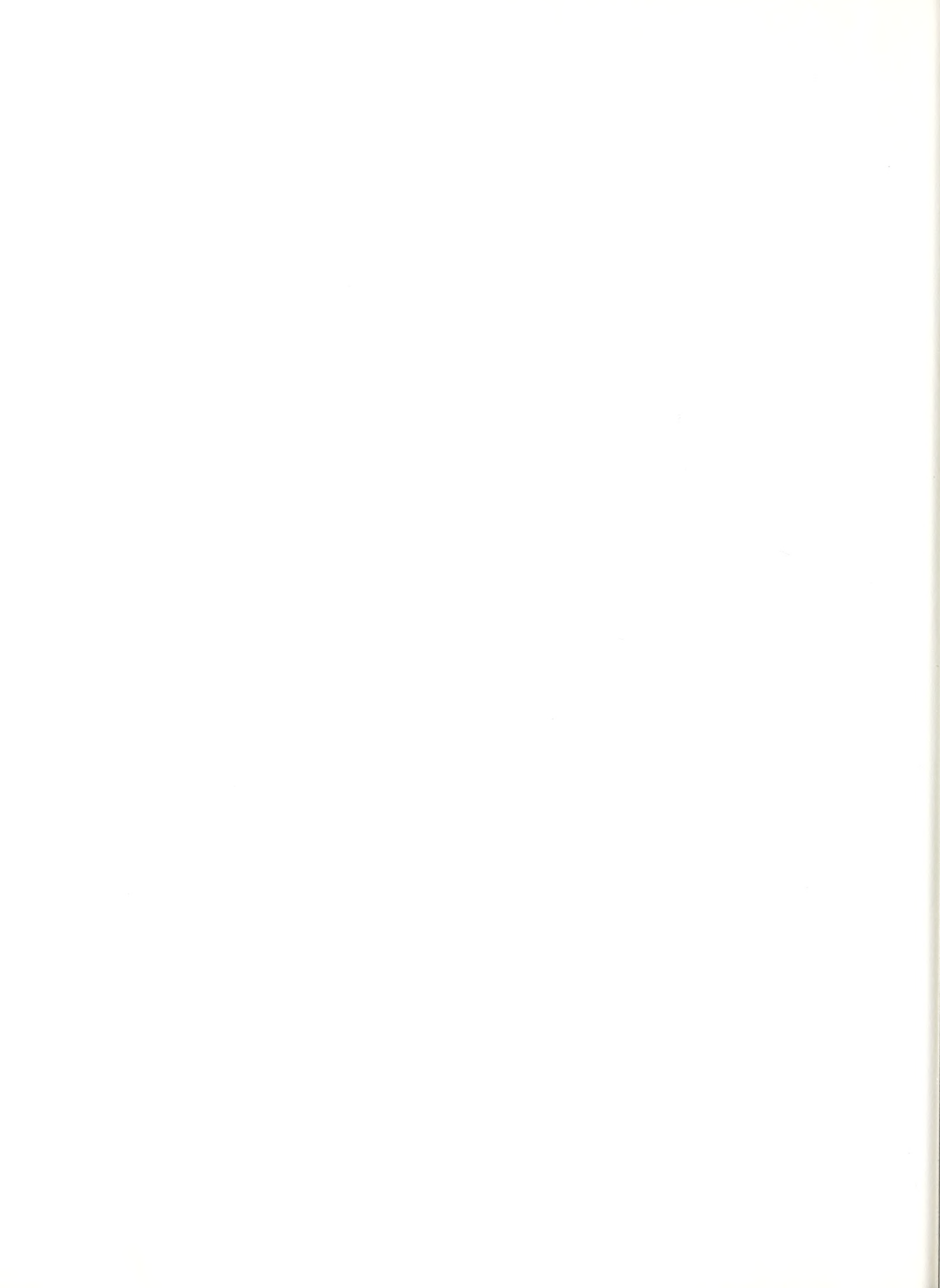


methods to get the work done. Some of them express dissatisfaction, some ridicule the people, some give praise. How did he deal with the people who worked for him?

MR. McDONALD: The Governor had a very good idea of what people expected him to do, but he also had a very good idea of what he expected of other people. I have seen him use different tactics. He was a very flexible person. With some people he would call them on the carpet, other people he would be very general in terms of the specific problem he might have encountered with them. He would talk in a very positive manner to resolve any particular problem he might have run into. I think most of the time he was a very charming person. He used his charm to a great extent among the employees, among the people he was directly responsible for. Of course, he didn't get too involved too much in what you and I would think of a personnel management. Obviously, he had to be the guy to enforce questions involving policy matters and he handled those very well. He was not a bully. One of the strong points that he had, he had the ability to ask questions without seeming to rely on what the answer would be. He shared his own ideas and would give credit to someone who had an idea that might be better than his. He was a very unselfish person.

DR. CRAWFORD: Did staff members serve him generally from loyalty--not from fear?

MR. McDONALD: Yes, they did. I don't believe that anybody ever feared the governor that I was



aware of--not even the secretaries. I don't think they feared the Governor. They liked the Governor for what they thought he was. I think they thought he was a great man and they were thrilled to work for him. I never talked with any of the people up there who felt differently.

DR. CRAWFORD: Are there any other thoughts Mr. McDonald that you would like to include in the record?

MR. McDONALD: I really can't think of anything other than I hope we do another one sometime in the future.

DR. CRAWFORD: I'm sure we can and thank you.

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